

CITY OF SAN BRUNO



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STAFF

George D. Foscardo, AICP,
Community Development Director
Grant Wilson, AICP, *Associate Planner*
Aaron Aknin, *Assistant Planner*
Pamela Thompson, *City Attorney*
Tanya Sullins, *Recording Secretary*

PLANNING COMMISSIONERS

Kevin Chase, *Chair*
Perry Petersen, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Joe Sammut
Robert Schindler
Mark Tobin

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

January 21, 2003
San Bruno Senior Center
1515 Crystal Springs Blvd.
7:00 P.M. to 11:00 P.M.

CALL TO ORDER at 7:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Chase	x	
Vice Chair Petersen	x	
Commissioner Johnson		x
Commissioner Marshall	x	
Commissioner Schindler	x	
Commissioner Sammut	x	
Commissioner Tobin	x	

STAFF PRESENT:

Planning Division: **George Foscardo**
Grant Wilson, Associate Planner
Aaron Aknin, Assistant Planner
Tanya Sullins, Planning Secretary

City Attorney: **Pamela Thompson**

Pledge of Allegiance

1. **Approval of Minutes** January 7, 2003
Sammut/Schindler
2. **Communication –** **N/A**
3. **Public Comment** **N/A**

4. Tanforan Shopping Center

Request for an architectural review permit, development agreement, planned development permit, and EIR addendum to allow a major remodel of the Shops at Tanforan (Tanforan Park Shopping Center); per Chapter 12.108 and Section 12.96.190 of the San Bruno Zoning Ordinance; Altoon + Porter, architects; Tanforan Park Shopping Center, LLC, owner/applicant; **AR-02-04, DA-02-01, PDP-02-01.**

Associate Planner Wilson entered staff report. Reviewed a few changes that had been made to the staff report (#83 - #88).

Applicant and managing general partner Mr. Watson was present to answer questions. He reviewed several displays showing proposed changes and modifications to the mall. Commissioner Marshall asked if they would manage the parking to restrict potential BART riders from utilizing the Tanforan parking lot. Mr. Watson stated that they would have to manage it as they go on; the biggest issue will be having enough manpower to manage that. Commissioner Tobin asked what it means about JC Penney's TBA. Mr. Watson stated that they have agreed to remove it from their property, but want to make sure it was cleared as they claim in the early 1990's. Commissioner Tobin asked about the number of screens that would be at the movie theater. Mr. Watson stated that it was approximately 12 – 16 screens, but up to the provider as to how they will seat the cinemas. Commissioner Sammut asked if Sears Automotive would continue to operate. Mr. Watson stated that it would. Vice Chair Petersen asked about the paving of the parking lot. Mr. Watson showed in the renderings how the parking would be reconstructed. Vice Chair Petersen asked how the lighting would be addressed on the 2nd level parking. Mr. Watson reviewed how the several different parking areas would be laid out. Their goal is to balance the parking more evenly, and make it convenient for the customers to use. Commissioner Marshall asked if the 2nd level Target Parking would be available to new cinemas also. Mr. Watson stated that it won't be a directly, there will be about a 7 ft. elevation difference, so they will need stairs to get from there to the cinemas. Commissioner Marshall asked about access from BART to Tanforan, and how cars will be restricted for parking there for BART use. City Attorney Thompson stated that the city is currently in negotiations with BART and Tanforan on how to address the issue of the fence, but there is a tentative agreement where the fence might go up, but the city would then have the keys, and access. It is not worked out completely, but will keep the commission updated. Mr. Watson addressed the issue of the potential non-Tanforan customers using the parking lot. He said that they have allocated additional funds to police the parking lot manually. Commissioner Tobin asked about the JC Penney's TBA (Tire/Body/Automotive shop in the south east corner of the entire project), it states that this would be removed once everything is environmentally cleared, and wanted clarification on what that meant. Mr. Watson stated that he believes that when it was shut down in the early 90's all the documentation was done environmentally, and they have now agreed to remove it from the property, but the documents will be reviewed again prior to removal. Commissioner Tobin also asked the number of screens proposed for the theatre. Mr. Watson it would be between 12 & 16 depending on the operator of the cinema. Commissioner Sammut asked if the Sears Automotive Center would continue to operate. Mr. Watson stated that it would. Vice Chair Petersen asked about the parking lot paving. Mr. Watson explained the layout of the new parking lot, where new roads are being put in, where the failed asphalt will be scrapped, or where it will be redone completely. In some areas it will be brought down to grade and brought back up. Vice Chair Petersen also asked about the lighting in the parking lot. Mr. Watson stated that it would be addressed at a later date.

Public Hearing Opened

N/A

Public Hearing Closed

Commissioner Tobin asked about a letter dated 1/16/03 to the City Manager's office, from Mr. Watson in regards to the owner entering a project labor agreement with the Bay Area Trades Council. He wanted to be sure that the Tenant Improvement projects, and if there was a labor dispute how it would be handled. Mr. Watson said that their intention was to have this already behind them, but if there was to be an issue, it would want to be addressed but not sure yet how. But there will be more than 120 tenants, and some have their own construction companies, but there will be agreements prior to work being done in their lease agreement. Commissioner Tobin asked if the Planning Commission would see the Development Agreement before it goes to City Council. Community Development Foscardo stated that if a Development Agreement is needed it would go through the Planning Commission first and then go to City Council. Chair Chase asked if prevailing wages would apply because the project falls under the Redevelopment area. City Attorney Thompson stated that it would only apply if there were any applications of public funds. This is referenced in the conditions. But no public funds are being resourced right now. Chair Chase asked if a condition of approval could be made because of the size of the project. City Attorney Thompson stated that since it doesn't apply to the regulations, it couldn't. Vice Chair Petersen asked about condition # 98, and if the blank would be filled prior to the adoption. City Attorney Thompson stated that it is just a date that is missing, and that date would be filled prior to building permit being issued.

Motion Tobin to adopt AR 02-04, PDP 02-10 and addendum to the EIR

Approved by Roll Call Vote.

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

5. 1640 Crestwood Drive

Request for a Use Permit for a 1,044 square foot, first and second story addition to an existing one story residence which is a greater than 50% expansion of the existing floor area, per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance – Santos Kumar, owner & applicant
- **UP-02-51**

Assistant Planner Aknin entered staff report. Staff recommends that the San Bruno Planning Commission continue **Use Permit 02-51** to the February 18, 2003 Planning Commission Meeting.

Public Hearing Opened

N/A

Public Hearing Closed

Motion Tobin/Second Schindler continue **Use Permit 02-51** to the February 18, 2003 Planning Commission Meeting.

VOTE: 6-0-0
AYES: 6
NOES: 0
ABSTAIN: 0

(Chair Chase advised of 10-day appeal period)

6. 181 Balboa Way

Request for a Use Permit & Minor Modification Permit for a 1,912 square foot, first and second story addition, which is a greater than 50% expansion of the existing floor area, proposes 4' sideyard setbacks, proposes a FAR greater than .55, proposes greater than 44% lot coverage, and exceeds 2,800 sq. ft. in gross floor area with only two covered spaces per Sections 12.200.030.B.1, 12.200.030.B.2, 12.200.030.B.3, 12.200.080.A.3, & 12.120.010.B of the San Bruno Zoning Ordinance – Jerry & Eva Paulina, (applicant, owner) **UP-02-66**

Assistant Planner Akin entered staff report. Staff recommends that the San Bruno Planning Commission **continue** Use Permit 02-66 to the February 18, 2003 Planning Commission meeting, with the recommendation that the applicant work with Staff to reduce the overall square footage of the project.

Commissioner Marshall asked if staff tried to let the applicant know that this is too large of an addition. Assistant Planner Akin stated that they did, but applicant wanted to go through the process up to the Commission level anyhow.

Public Hearing Opened

Owner and designer were both present. Designer stated that the owner is willing to reduce the project by approximately 300 sq. ft. Commissioner Marshall asked the designer if they were aware of the zoning requirements in San Bruno prior to drawing up the plans. Designer stated he was, but the applicant needed the space due to the large family. Commissioner Tobin asked why the designer didn't adjust the size after attending the Arch Review meeting. Designer stated that they are working on a new set of plans with a reduced size addition. Commissioner Petersen asked if they have received the letter from their neighbor opposing to the size of the addition. Owner stated that they had not. But the owners are speaking to adjacent neighbors and are willing to consider their issues. Commissioner Marshall brought up the issue of having a substandard size driveway. Vice Chair Petersen stated that at Arch Review the applicant did offer to change the one car garage to a two-car garage and reduce part of the living space.

Neighbor was present and although they sympathized with their position, he feels that the applicant needs to cut back approximately 600 sq. ft., not the 300 sq. ft. that they are proposing. Neighbor at 171 Balboa Way feels that this proposal is going too far back, and since it is 2 stories it is excessive, and that his privacy would be lost.

Public Hearing Closed

Commissioner Marshall suggested that the applicant go back to the Architectural Review process. He also recommended that they discuss their project with the opposing neighbors.

Motion Petersen/Second Schindler continue Use Permit 02-66 to the February 13, 2003 Architectural Review meeting, and be brought back to the Planning Commission on March 18, 2003.

VOTE: 5-1-0
AYES: 5
NOES: 1(Tobin)
ABSTAIN: 0

(Chair Chase advised of 10-day appeal period)

7. 2960 Muirfield Drive

Request for a Use Permit to allow construction of an addition that would be a greater than 50% expansion of the existing floor area, and would have a floor area ratio of .58 where .55 is the standard, per Sections 12.200.030.B.1 and 12.200.030.B.2 of the San Bruno Zoning Ordinance – Mr. and Mrs. Michael Canellos, owners; Ken Ibarra, architect - **UP-02-70**.

Associate Planner Wilson entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 02-70 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

Public Hearing Opened

Applicant Mr. Canellos was present to answer questions.

Public Hearing Closed

Vice Chair Petersen requested from staff that the conditions regarding setback of a front yard fence could be added. Commissioner Schindler asked if the color scheme would be matching.

Motion Marshall/Second Tobin to approve Use Permit 02-70 based on Findings of Fact (1-8) and Conditions of Approval (1-14 #13 & 14 added per the commissions request regarding setback and color palette.).

VOTE: 6-0-0
AYES: 6
NOES: 0
ABSTAIN: 0

(Chair Chase advised of 10-day appeal period).

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 11, 2003, and fifty (50) notices were mailed to property owners within 300 feet of the project site on January 10, 2003
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence because the proposal will accommodate two cars in the garage plus driveway parking for an additional two cars.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-70 shall not be valid for any purpose. Use Permit 02-70 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a 1,004 square foot second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on January 21, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials shall match and the entire house shall be repainted and reroofed.

Department of Public Works - (650) 616-7065

9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.
10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. Applicant shall provide a color palette to the Planning Department for final approval.
13. No fence or retaining wall shall be built within the property line setback area in the front yard.

8. 632 Third Avenue

Request for a Use Permit and Minor Modification to allow construction of an addition that would be a greater than 50% expansion of the existing floor area, would have garage area exceeding 600 square feet, and would have a side yard setback of three feet where five feet is the standard, per Sections 12.200.080.B, 12.200.030.B.1, and 12.96.060.D.5, and 12.120.010.B of the San Bruno Zoning Ordinance – Wade Philips, owner/applicant; Luis Barbosa, designer - **UP-02-71, MM-02-09.**

Associate Planner Wilson entered staff report. Staff has prepared Findings of Fact (1-8) and Conditions of Approval (1-12) if the San Bruno Planning Commission chooses to approve Use Permit 02-71 and Minor Modification 02-09.

Public Hearing Opened

Applicant Mr. Philips was present to answer questions. Commissioner Schindler asked if he objected to changing the gable style roof to a hip style roof. Mr. Philips replied that he liked the

look of a gable style roof. He submitted a drawing of what he would eventually like his house to look like. Commissioner Tobin asked why he isn't going to be able to abide by the setback. Applicant stated that it was because of the way the garage doors are set up, and he needs a 3-car garage. Commissioner Tobin asked about a laundry room with a bathroom in it, and he wanted to know why the laundry room couldn't be moved so that they can accommodate the 5-foot setback. Applicant stated that it was because this would be the best for the future layout that he is intending to do. Commissioner Sammut asked if the front of the home is going to be landscaped, or if it would be all concrete. Applicant replied that there would be a lawn in the front of the house; the front of the house would not be all concrete.

Public Hearing Closed

Motion Petersen/Second Schindler to approve Use Permit 02-71 and Minor Modification 02-09 with Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE:	4-1-1
AYES:	4
NOES:	1 (Tobin)
ABSTAIN:	1 (Marshall)

(Chair Chase advised of 10-day appeal period)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 11, 2003, and sixty-nine (69) notices were mailed to property owners within 300 feet of the project site on January 10, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence because the proposal will accommodate three cars in enclosed parking plus driveway parking for an additional three cars.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-71 and Minor Modification 02-09 shall not be valid for any purpose. Use Permit 02-71 and Minor Modification 02-09 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a 1,732 square foot two-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on January 21, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials shall match and the entire house shall be repainted and reroofed.

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9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing

curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.

10. Install a sanitary sewer cleanout at the property line.

11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.

9. 2461 Toyon Way

Request for a Use Permit to allow construction of an addition that would be a greater than 50% expansion of the existing floor area, would have a lot coverage of 46% and would have a floor area ratio of .62 where .55 is the standard, per Sections 12.200.030.B.1, 12.200.030.B.2, and 12.200.030.B.3 of the San Bruno Zoning Ordinance – Donald Tonge, owner; Ken Ibarra, architect - **UP-02-73**.

Associate Planner Wilson entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 02-73 based on Findings of Fact (1-8) and Conditions of Approval (1-11).

Public Hearing Opened

Applicant Mr. Tonge was present to answer questions. Commissioner Schindler asked if the colors of the home would change, and if so if a color palate could be brought into the Planning Department prior to Building Permit. Petersen asked if the letters from the neighbors could be kept for the file in the Planning office.

Public Hearing Closed

Motion Tobin/Second Petersen approve Use Permit 02-73 based on Findings of Fact (1-8) and Conditions of Approval (1-11).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Chase advised of 10 day appeal period)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 11, 2003, and fifty (50) notices were mailed to property owners within 300 feet of the project site on January 10, 2003.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence because the proposal will accommodate two cars in the garage plus driveway parking for an additional two cars.

CONDITIONS FOR APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-73 shall not be valid for any purpose. Use Permit 02-73 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a 1,493 square foot second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on January 21, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials shall match and the entire house shall be repainted and reroofed.

Department of Public Works - (650) 616-7065

9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.
10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.

10. 720 Cedar Avenue

Request for a Use Permit for a 1,312 square foot, two-story addition to an existing dwelling which is a greater than 50% expansion of the existing floor area; per Sections 12.200.030.B.1; of the San Bruno Zoning Ordinance – Dunlap Design, applicant; Mr. and Mrs. Tinkham, owners - **UP-02-35**.

Assistant Planner Akin entered staff report. Staff recommends that the San Bruno Planning Commission **approve** Use Permit UP-02-35 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-12).

Public Hearing Opened

Owner Mr. Tinkham was present to answer any questions. Commissioner Marshall asked about the 2 skylights in the front of house, and wanted to know what they open up to. Owner stated that there is going to be an interior open space, and a kitchen where they open up to. Neighbor Mr. Epting expressed his opposition to the project, and also spoke in behalf of his neighbor who is also opposed to the project. His main opposition is the height will block his view that he has enjoyed over the years. Mr. Epting asked if the lack of a view and light easement is a city option, or if it is at a county or state level. City Attorney Thompson stated that it is because of an absence of a light and view easement. The commission can take this into consideration, but they cant rest a decision on that. Mr. Richard Epting asked about the proposed loft byt he west

elevation, there is a large pitched roof, and wanted to know if those windows are a light source or actual windows. Owner replied that they would be a skylight type of window to let light in from all four angles. Mr. Richard Epting also requested that the owner work with them on the roofing material, because that is what they will be looking at to make their view a little nicer.

Public Hearing Closed

Commissioner Marshall asked the owner what roofing material they would be proposing to use. Ms. Dunlap, Designer, stated that it would be 40 year elk charcoal gray, and the siding would be very similar to what it is now, along with the color scheme.

Motion Petersen/Second Schindler to approve Use Permit UP-02-35 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

(Chair Chase advised of 10 day appeal period)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, January 11, 2003, and notices were mailed to property owners within 300 feet of the project site on January 10, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the alterations proposed to the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-35 shall not be valid for any purpose. Use Permit 02-35 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a use permit for an addition to an existing dwelling at 720 Cedar Ave. shall be built according to plans approved by the Planning Commission on January 21, 2003, labeled Exhibit A except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and windows shall match and the entire structure shall be repainted.
9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way.
10. Install a sanitary sewer cleanout at the property line per City standards.

11. Storm water from new addition roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter per City standards.

12. No fence or retaining wall shall be built within 2 feet from the back of the sidewalk

11. **424 Milton Avenue**

Request for a Use Permit to allow construction of an addition to a single-family residence that would exceed the allowable floor area ratio, and would exceed 1825 square feet with a one car garage; per Sections 12.200.030.B.2, & 12.200.080.A.2, 12.200.050 of the San Bruno Zoning Ordinance – Connie Yeung (applicant), Tracy Mok (Owner) **UP-02-64**

Staff recommends that the San Bruno Planning Commission approve **Use Permit 02-64** subject to the attached Findings of Fact (1-10), Conditions of Approval (1-13), and additional conditions attached as Exhibit “D”.

Commissioner Tobin asked why the issues at the December meeting (parking, lack of 2nd garage) aren’t addressed. Assistant Planner Akin stated that what is being proposed is consistent with what has been approved in the past, and they currently don’t even have one parking space, and are converting it to a one car garage. Vice Chair Petersen stated that at the Arch Review meeting one of the comments was would a car fit in there with that multiple door arrangement. Assistant Planner Akin stated that they redesigned that. Assistant Planner Akin submitted color palate to the commission.

Public Hearing Opened

Applicant and owner Mr. Mok was present to answer questions. Commissioner schindler asked Mr. Mok if the correction work and all of the other items that need to be brought up to code be completed before the building permit is issued. City Attorney Thompson stated that a group (Building Official, and several department members) to determine how it would be best to proceed in terms of economics in achieving the city’s goal, and the applicant’s goal, and Section D of the Conditions of Approval address this.

Public Hearing Closed

Vice Chair Petersen complimented applicant in correcting the parking issue.

Motion Petersen/Second Sammut approve **Use Permit 02-64** subject to the attached Findings of Fact (1-10), Conditions of Approval (1-14), and additional conditions attached as Exhibit “D”.

VOTE:	5-1-0
AYES:	5
NOES:	1 (Tobin)
ABSTAIN:	0

(Chair Chase advised of 10-day appeal period)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, December 7, 2002, and notices were mailed to property owners within 300 feet of the project site on December 6, 2002.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development Projects.
5. The general appearance of the proposed home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because design the proportions of the house are similar to other houses in the neighborhood.
6. The proposed home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking provided will be adequate for the residence.
9. The home is in the San Bruno Redevelopment Area.
10. By complying to the attached list of conditions (EXHIBIT "D"), the applicant will resolve all code enforcement issues currently found on the subject property.

CONDITIONS FOR APPROVAL

1. The applicant shall comply to all conditions listed in Exhibit "D".
2. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the A Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-64 shall not be valid for any purpose. Use Permit 02-64 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
3. The request for a Use Permit to allow the construction of a two story addition at 424 Milton Avenue and shall be built according to plans approved by the Planning Commission on January 21, 2003 labeled Exhibit B except as required to be modified by

these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. All code enforcement issues must be resolved before final building department approval.
6. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
7. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
8. The applicant The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. The colors and materials must form an integrated system throughout the entire residence.
11. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.
12. Install a sanitary sewer cleanout at the property line.
13. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. No fence or retaining wall shall be built within 2 feet from the back of the sidewalk

12. City Staff Discussion

Arch Review volunteers: Feb 13, 2003 (Petersen, Schindler, Chase) City Attorney Thompson guided the commission about the following: To be cautious about union and whether union shop could be required. Reason being 2 groups cannot be discriminated against (union/non-union) the issue to focus on is what is allowed or required by law, which is prevailing wages when public funds are at issue. Also, in terms of granting and denying various requests, the

commission needs to articulate the factual basis of the denial, or the granting. If it is legally challenged, one can know why a decision was made one way in one case, and another way in another case. She also recommended staff to include the legal standards that is required for granting these various things: variance, use permit, minor modification.

13. Planning Commission Discussion

Vice Chair Petersen asked staff at the next arch review & commission meeting to encourage the roof type, and a color palate, window types, and public works setback requirements.

George Foscardo,
Secretary to the Planning Commission
City of San Bruno

Kevin Chase , Chairperson
Planning Commission
City of San Bruno

NEXT MEETING: February 18, 2003

GF/ts

Adjourned at: 9:45